

REMARKS

Claims 80-82, 84, 86 and 88 are pending in this application, with claims 80-82, 84, 86 and 88 being independent. Claims 80-82, 84, 86 and 88 correspond to previously dependent claims rewritten in independent form. Claims 1-79, 83, 85, 87 and 89 have been canceled without prejudice or disclaimer. Applicants reserve the right to pursue these claims at a later date in this or in a continuing application. No new matter has been introduced.

Independent claims 80-82 and 84 have been rejected as failing to comply with the written description requirement. In particular, the Office Action asserts:

Claims 1, 23, 32, 53, 72, 73, 76-82, and 84 recite "unemployment insurance tax payment status of the employer" however; the specification lacks support for this limitation in relation to claim eligibility. The specification does recite support for "[Unemployment Insurance] tax data includes a tax payment status of an employer", however this "a tax payment status" does not inherently mean an unemployment insurance tax payment status. In regard to new matter situations, inherency is necessary to show possession at the time the application was filed, not obviousness.

Applicants disagree and assert that a person of ordinary skill in the art would have understood, based on the application disclosure, that the "tax payment status" referred to in the specification (and in the originally filed claims) is an "unemployment insurance tax payment status." The Office Action states that "inherency is necessary" to show that a newly added claim limitation is supported in the application. No legal basis exists for this assertion. Rather, MPEP 2163 II(B) states "'While there is no *in haec verba* requirement, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure" (emphasis added). Accordingly, implicit disclosure in the specification suffices to support a newly added claim limitation.

In this case, applicants submit that the amendment to change the recited "a tax payment status" in the original claims to "an unemployment insurance tax payment status" is supported by implicit disclosure. In particular, the only tax payments of an employer described in the application are the payments of unemployment insurance taxes by the employer. No other types of tax payments are described in the application as being made by the employer. Accordingly, a person of ordinary skill in the art would have understood that the recited "a tax payment status of the employer" in the originally filed claims corresponds to "an unemployment insurance tax payment status of the employer" because the application only describes one type of tax payments

being made by an employer - unemployment insurance tax payments. Applicants amended the claims to recite that the "tax payment status" in the originally filed claims is an "unemployment insurance tax payment status" solely for clarity and only because the first Office Action interpreted this term in an unforeseen and unintended way.

For at least this reason, applicants request reconsideration and withdrawal of the rejection of claims 80-82 and 84.

Independent claims 80-82 and 84 have been rejected as being unpatentable over Micciantuono (U.S. Patent Application Publication No. 2003/0225639) in view of GAO ("UNEMPLOYMENT INSURANCE Increased Focus on Program Integrity Could Reduce Billions in Overpayments") and Kahn (U.S. Patent Application Publication No. 2002/0184148). Independent claims 86 and 88 have been rejected as being unpatentable over Micciantuono in view of GAO.

Independent claim 80 recites, among other features, a functional layer that is configured to evaluate a request for an unemployment insurance benefit by the claimant based on the benefit status of the claimant and the unemployment insurance tax payment status of the employer. The functional layer is configured to evaluate the request, wherein the evaluating of the request includes accessing the unemployment insurance tax payment status of the employer stored in the unified database, determining, based on the accessed unemployment insurance tax payment status of the employer, whether the employer associated with the claimant is an employer currently employing the claimant, and if the employer associated with the claimant is determined to be currently employing the claimant, denying the request as fraudulent. Applicants request reconsideration and withdrawal of the rejection of claim 80 because neither Micciantuono, GAO, Kahn, nor any proper combination of the three describes or suggests evaluating a request for an unemployment insurance benefit by a claimant in the recited manner.

Micciantuono describes a system that allows companies to provide an unemployment benefit plan that supplements the unemployment insurance compensation provided to employees by a State Agency. See paragraph 0001. The system includes a personal profile database for participants that includes the individual participant's tax withholding status. See paragraph 0034. Micciantuono, however, does not describe or suggest storing an unemployment insurance tax payment status of an employer and, therefore, necessarily fails to describe or suggest

accessing an unemployment insurance tax payment status of an employer stored in the unified database, determining, based on the accessed unemployment insurance tax payment status of the employer, whether the employer associated with the claimant is an employer currently employing the claimant, and if the employer associated with the claimant is determined to be currently employing the claimant, denying the request as fraudulent, as recited in claim 80.

Kahn describes a web-based payroll and benefits administration system for companies that integrates an automated, centralized back-end payroll service with a full-featured web-based payroll system. As part of the payroll service, Kahn describes calculating and storing tax information for companies, including federal unemployment insurance tax information. See Khan at paragraphs 0204-0206 and 0302-0304. Kahn, however, does not use this information to evaluate unemployment insurance benefit claims and certainly does not use this information to evaluate unemployment insurance benefit claims in the recited manner.

GAO is a report regarding unemployment insurance presented by the United States General Accounting Office to the Chairman of the Subcommittee on Human Resources Committee on Ways and Means of the House of Representatives. GAO describes systems used by various states to verify an unemployment insurance (UI) benefit claimant's information. GAO describes that states can detect UI overpayments made to claimants by conducting a Wage/Benefit crossmatch that compares a database of UI claimants with the state's database of individual's wages to identify UI recipients that may have unreported income in the same state in which they are receiving UI benefits. See pages 14 and 15 of Gao. Notably, this comparison does not involve an unemployment insurance tax payment status of an employer and, therefore, fails to satisfy the above-noted features. Rather, the comparison involves comparing individuals that have received UI benefits from the state to individuals known by the state to have received wages. Since such individuals known by the state to have received wages are likely employed, UI claimants that are found to be among these individuals probably should not have been given UI benefits. In this manner, the states detect overpayment of UI benefits.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 80.

Independent claim 81, although having a different scope from claim 80, recites limitations similar to those recited in claim 80 but in the context of a method. Therefore, for at

least the reasons described above, applicants request reconsideration and withdrawal of the rejection of claim 81.

Independent claim 82 recites, among other features, “a unified desktop that is configured to process a function related to an unemployment insurance benefit for the claimant and a function related an unemployment insurance tax for the employer, based on the benefit status of the claimant and the unemployment insurance tax payment status of the employer, wherein the unified desktop being configured to process a function related to an unemployment insurance benefit for the claimant comprises the unified desktop being configured to receive a request for an unemployment insurance benefit from the claimant and to communicate the request to a business layer configured to: access the unemployment insurance tax payment status of the employer, determine, based on the accessed unemployment insurance tax payment status of the employer, whether the employer associated with the claimant is an employer currently employing the claimant, and if the employer associated with the claimant is determined to be currently employing the claimant, deny the request as fraudulent through the unified desktop” (emphasis added). Independent claim 84, although having a different scope from claim 82, recites limitations similar to those recited in claim 82 but in the context of a method. For at least the reasons described above, applicants request reconsideration and withdrawal of the rejections of claims 82 and 84.

Independent claim 86 recites, among other features, “a functional layer that is configured to perform a function related to an unemployment insurance benefit for a claimant and a function related an unemployment insurance tax for an employer, based on the unemployment insurance benefit data and the unemployment insurance tax data, wherein the functional layer being configured to perform a function related to an unemployment insurance benefit for the claimant comprises the functional layer being configured to: receive a request for an unemployment insurance benefit from the claimant, access the unemployment insurance tax data, determine, based on the accessed unemployment insurance tax data, whether the claimant is currently employed, and if the claimant is determined to be currently employed, deny the request as fraudulent.” Independent claim 88, although having a different scope from claim 86, recites limitations similar to those recited in claim 86 but in the context of a method. For at least the

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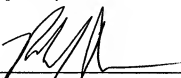
reasons described above, applicants request reconsideration and withdrawal of the rejections of claims 86 and 88.

Applicants submit that all claims are in condition for allowance.

No fees are believed due in connection with this filing. If, however, any fees or refunds are due, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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